

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7584 of 2021**

Kamdev S/o Bharatlal Manhare, Aged About 20 Years, R/o
Sandi, P.S. Palari, Distt. Balodabazar-Bhatapara Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh Through The Police Station Palari,
District Balodabazar-Bhatapara Chhattisgarh

---- Non-applicant

For Applicant : Ms. Supriya Upasane, Advocate

For Non-applicant/State : Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****04.10.2021**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 15.09.2021 in connection with Crime No.510 of 2021 registered at Police Station Palari, Balodabazar-Bhatapara (C.G.) for commission of offence punishable under Section 34(2) of Excise Act.
2. Case of the prosecution, in brief, is that based on secret information, Police intercepted the motorcycle bearing No.CG-22/R/0610 and upon search, applicant was found in possession of 35 bulk liters of hand-made liquor. Based on the seizure of illicit liquor from the possession of applicant, he was arrested in the aforementioned crime.
3. Ms. Supriya Upasane, learned counsel for the applicant would submit that applicant has been falsely implicated in the case and

arrested while travelling on his motorcycle. Applicant is having no other criminal antecedent against him of similar nature and he is in jail since 15.09.2021, hence, he may be enlarged on regular bail.

4. Shri Anand Verma, learned State Counsel opposing the submissions made by learned counsel for the applicant, would submit that 35 bulk liters of hand-made liquor was seized from conscious possession of applicant, hence, he may not be entitled for the benefit under Section 439 of Cr.P.C.
5. However, upon putting specific query to learned counsel for the State with regard to any criminal antecedent against the applicant, he submits there is no mention of any criminal antecedent against the applicant of similar nature in case diary.
6. I have heard learned counsel for the parties.
7. Taking into consideration the facts and circumstances of the case, nature of allegations, applicant is not having any criminal antecedent and trial may take some time, without commenting on the merits of the case, I am inclined to release the applicant on regular bail.
8. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one local surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;

a) He shall appear before the trial Court concerned regularly

on each and every date unless exempted from appearance.

b) He shall not, in any manner, tamper with the prosecution witnesses.

c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge